

## REMARKS

This Response is submitted in reply to the Office Action dated July 24, 2008. Claims 54, 56, 60, 61, 63 to 67, 69 and 70 have been amended. Claims 1 to 53, 55, 59 and 62 were previously cancelled. No new matter has been added by these amendments. A Petition for a Three-Month Extension of Time is submitted herewith. Please charge Deposit Account No. 02-1818 for the cost of this Petition, and any fees which are due in connection with this Response.

The Office Action rejected Claims 54, 56 to 58, 60, 61, 63, 64, 66, 67 and 69 to 72 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,234,897 to Frohm et al. ("Frohm") in view of U.S. Patent No. 6,464,582 to Baerlocher et al. ("Baerlocher").

Certain of these claims have been amended by the new Assignee of the present patent application for clarity.

The effective date for Baerlocher is the U.S. Patent Application filing date of October 6, 2000.

The effective date for the present patent application is the U.S. Provisional Patent Application filing date of March 6, 1998.

Accordingly, Applicant respectfully submits that Baerlocher is not prior art to the present patent application. As Baerlocher is not prior art to the present patent application, Applicant submits that this rejection is improper and should be withdrawn.

Additionally, for the Examiner's benefit, the following are reasons why Claims 54, 56 to 58, 60, 61, 63, 64, 66, 67 and 69 to 72 are nevertheless patentably distinguished over Frohm.

Column 2, lines 13 to 24 of Frohm disclose:

[a] slot machine comprises a spinning reel display and a bonus game. The spinning reel display shows a plurality of symbols on each of a plurality of rotatable reels. The reels are rotated and stopped to place the symbols of each reel in visual association with a pay line. The pay line is associated with at least one of the symbols on each of the reels. The bonus game is triggered in response to start-bonus symbols from the respective stopped reels appearing in the spinning reel display. The bonus game having

different expected values based on different arrangements of the start-bonus symbols in the spinning reel display.

The method of operating a gaming machine having a plurality of game symbols of amended independent Claim 54 includes: (a) generating a combination of the plurality of game symbols, the plurality of game symbols at least including a plurality of award value symbols and a plurality of end of game symbols, (b) causing a display of the gaming machine to display the randomly generated combination of the plurality of game symbols, each randomly generated award value symbol associated with a displayed award value, (c) summing the displayed award values associated with any displayed award value symbols to form an accumulated winnings value, (d) repeating steps (a) and (c) until a predetermined number of the end game symbols have been randomly generated in the generated combinations of the plurality of game symbols, and (d) ending play when the predetermined number is reached.

It appears that the Office Action interprets the symbols of a winning symbol combination of Frohm as the plurality of award value symbols of the method of Claim 54. Based on this interpretation, Applicant respectfully submits that Frohm does not disclose or render obvious summing the displayed award values to form an accumulated winnings value. That is, Frohm does not disclose or render obvious any individual game symbols that display an award value when that game symbol is randomly generated and displayed, wherein the displayed award values associated with any randomly generated and displayed award value symbols are summed. While Frohm may disclose conventional game symbols which include numbers (e.g., Blue 7 and Red 7), such numbers are game symbols and not displayed award values that are summed to form an accumulated winnings value. For example, according to Fig. 6 of Frohm, a symbol combination of three Blue 7 symbols is associated with a payout of 500 credits (and not a payout of 21 credits which, according to the Office Action's interpretation, would be the sum from the three "Blue 7" symbols in the symbol combination). On the other hand, the method of operating a gaming machine of amended independent Claim 54 includes, amongst other elements, generating a

combination of the plurality of game symbols, the plurality of game symbols at least including a plurality of award value symbols and a plurality of end of game symbols, causing a display of the gaming machine to display the randomly generated combination of the plurality of game symbols, each randomly generated award value symbol associated with a displayed award value, and summing the displayed award values associated with any displayed award value symbols to form an accumulated winnings value.

It also appears that the Office Action interprets the symbols of a losing symbol combination of Frohm as the plurality of end of game symbols of the method of Claim 54. Applicant respectfully disagrees with this interpretation and submits that Frohm does not disclose or render obvious any end of game symbols. While Frohm discloses certain symbol combinations that are losing symbol combinations that end the play of a game of Frohm, such losing symbol combinations are not individual symbols that end the play of the game of Frohm. Moreover, a predetermined number of such losing symbol combinations being randomly generated does not end the repeat loop of (a) generating a combination of the plurality of game symbols, the plurality of game symbols at least including a plurality of award value symbols and a plurality of end of game symbols, (b) causing a display of the gaming machine to display the randomly generated combination of the plurality of game symbols, each randomly generated award value symbol associated with a displayed award value, and (c) summing the displayed award values associated with any displayed award value symbols to form an accumulated winnings value. On the other hand, the method of operating a gaming machine of amended independent Claim 54 includes repeating steps (a) and (c) until a predetermined number of the end game symbols have been randomly generated in the generated combinations of the plurality of game symbols, and ending play when the predetermined number is reached.

For at least these reasons, Applicant submits that amended independent Claim 54 is patentably distinguished over Frohm and is condition for allowance.

Claims 56 to 58, 60 and 61 depend directly or indirectly from independent Claim 54 and are also allowable for the reasons given with respect to Claim 54 and because of the additional features recited in these claims.

Amended independent Claims 63, 67 and 69 each include certain elements similar to certain elements of amended independent Claim 54. For reasons similar to the reasoning discussed above with respect to amended independent Claim 54, amended independent Claim 63, 67 and 69 (and dependent Claims 64, 66 and 70 to 72) are each patentably distinguished over Frohm and are in condition for allowance.

The Office Action rejected Claims 65 and 68 under 35 U.S.C. §103(a) as being unpatentable over Frohm in view of Baerlocher and further in view of U.S. Patent No. 5,976,016 to Moody et al. ("Moody").

As described above, Baerlocher is not prior art to the present patent application. Accordingly, as Baerlocher is not prior art to the present patent application, Applicant submits that this rejection is improper and should be withdrawn.

Additionally, for the Examiner's benefit, the following are reasons why Claims 65 and 86 are nevertheless patentably distinguished over Frohm in view of Moody.

The Abstract of Moody discloses:

A player makes a wager for each pay line on a slot machine that the player wishes to play. On a first pay line of the slot machine, a first row of symbols is displayed to the player. The player selects none, one or more of the symbols from the first pay line as symbols to be held. The symbols that are held are duplicated from the first pay line into all of the other pay lines on which the player has wagered. Replacement symbols for the non-selected symbols are then randomly displayed on the first pay line for the symbols that were discarded. Additional symbols are also randomly displayed into all of the other pay lines wagered on by the player so that each pay line has the required number of symbols. The ranking of each pay line is determined by comparing the results of the displayed symbols to a pay table. The player is then paid for any winning pay lines based on the pay table and the amount of the player's wager.

Moreover, column 6, lines 25 to 28 of Moody discloses:

A jackpot, which is either a fixed amount or a progressive jackpot, can be paid for five symbols of the same kind or five symbols of the same kind and color.

The Office Action stated that Frohm fails to teach comprising a progressive jackpot in response to ending the bonus game. The Office Action concluded that it would have been obvious to one of ordinary skill in the art at the time the invention was made to make this combination of the teachings of Frohm and Moody so as to have a game with increased intensity, interest and anticipation for the game player towards winning at the end of the game.

Applicant respectfully disagrees and submits that regardless of whether or not it would have been obvious to incorporate Moody into Frohm, the method of operating a gaming machine resulting from the combination of Frohm and Moody would not anticipate or render obvious for the play of the bonus game, summing the displayed award values associated with any randomly generated award value symbols to form an accumulated winnings value. That is, while the method of operating a gaming machine resulting from the combination of Frohm and Moody may disclose conventional game symbols which include numbers (e.g., Blue 7 and Red 7), such numbers are game symbols and not displayed award values that are summed to form an accumulated winnings value. On the other hand, the method of operating a gaming machine of Claim 65 includes, amongst other elements, randomly generating a combination of game symbols from the plurality of game symbols for a play of the bonus game, the plurality of game symbols at least including a plurality of award value symbols and at least one end of game symbol, causing a display device to display the randomly generated combination of game symbols, each randomly generated award value symbol associated with a displayed award value, and for the play of the bonus game, summing the displayed award values associated with any randomly generated award value symbols to form an accumulated winnings value.

Moreover, regardless of whether or not it would have been obvious to incorporate Moody into Frohm, the method of operating a gaming machine resulting from the combination of Frohm and Moody would not anticipate or

render obvious repeating the steps of randomly generating a combination of game symbols from the plurality of game symbols for a play of the bonus game, the plurality of game symbols at least including a plurality of award value symbols and at least one end of game symbol, causing a display device to display the randomly generated combination of game symbols, each randomly generated award value symbol associated with a displayed award value, and for the play of the bonus game, summing the displayed award values associated with any randomly generated award value symbols to form an accumulated winnings value. That is, while the method of operating a gaming machine resulting from the combination of Frohm and Moody may disclose certain symbol combinations that are losing symbol combinations that end the play of a game of Frohm, such losing symbol combinations are not individual symbols that end the play of the game nor do such losing symbol combinations end the repeat loop of: (a) generating a combination of game symbols from the plurality of game symbols for a play of the bonus game, the plurality of game symbols at least including a plurality of award value symbols and at least one end of game symbol, (b) causing a display device to display the randomly generated combination of game symbols, each randomly generated award value symbol associated with a displayed award value, and (c) for the play of the bonus game, summing the displayed award values associated with any randomly generated award value symbols to form an accumulated winnings value.

On the other hand, the method of operating a gaming machine including a bonus game of Claim 65 includes, amongst other elements, repeating the steps of (a) generating a combination of game symbols from the plurality of game symbols for a play of the bonus game, the plurality of game symbols at least including a plurality of award value symbols and at least one end of game symbol, (b) causing a display device to display the randomly generated combination of game symbols, each randomly generated award value symbol associated with a displayed award value, and (c) for the play of the bonus game, summing the displayed award values associated with any randomly generated award value symbols to form an accumulated winnings value until the formed

accumulated winnings value reaches a predetermined value, and ending the play of the bonus game when the predetermined value is reached and the at least one end game symbol has not been randomly generated in any of the generated combinations of game symbols. For at least these reasons, Applicant submits that Claim 65 is patentably distinguished over Frohm and Moody and is condition for allowance.

Claim 68 includes certain elements similar to certain elements of Claim 65. For reasons similar to the reasoning discussed above with respect to Claim 68, Claim 68 is patentably distinguished over Frohm and Moody and is in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,  
BELL, BOYD & LLOYD LLP  
BY



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